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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

v.

Michael Lacey, *et al.*,

Defendants.

No. CR-18-422-PHX-SMB

**DEFENDANTS' AMENDED
UNOPPOSED MOTION
TO EXTEND DEADLINE
FOR REPLY ON MOTION
TO DISMISS INDICTMENT**

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Counsel for Defendant Scott Spear

1 By order dated May 3, 2019, the Court granted the government's request for an
2 extension to file its response to Defendants' motion to dismiss the indictment, setting
3 the deadline for the government's response as May 27, 2019. Doc. 557. Defendants
4 then moved for an extension of the deadline for their reply brief on the motion, to June
5 17, 2019, and the government did not oppose that request. Doc. 559.

6 The government's counsel subsequently contacted Defendants' counsel and
7 proposed a further two-day extension, having realized that May 27 is Memorial Day.
8 Defendants agreed not to oppose the government's request to move its deadline to May
9 29, and the government likewise agreed not to oppose a corresponding two-day
10 extension of the deadline for Defendant's reply to June 19, 2019.

11 As noted before (Doc. 559), the Court's May 3 Order did not expressly address
12 the government's request for additional pages for its response brief, but Defendants
13 understand the Order to have granted the government's request for 45 pages, in that the
14 Court indicated it was "granting the United States' motion." Doc. 557. Defendants
15 had previously agreed not to oppose the government's request for additional pages, if
16 the government would agree to Defendants' request for 25 pages for their reply.
17 However, in the May 3 Order, the Court set a 20-page limit for the reply, without
18 Defendants having had an opportunity to make their request to the Court.

19 Defendants ask that the Court allow 25 pages for the reply brief, given the
20 length of the Government's response and the importance of the constitutional issues
21 presented by the motion to dismiss.

22 Defendants therefore respectfully request that the Court grant Defendants (a) an
23 extension until June 19, 2019 to file their reply on the motion to dismiss (Doc. 561),
24 and (b) leave to file a reply of up to 25 pages.

25 DATED this 8th day of May, 2019.
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2 s/ James C. Grant

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12 s/ Ariel A. Neuman

13 Attorneys for John Brunst

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15 s/ Bruce Feder

16 Attorney for Scott Spear

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2019, a true and correct copy of the foregoing document was electronically filed with the Clerk of the United States District Court of the District of Arizona by using the CM/ECF system, and that service will be accomplished by the CM/ECF system to all counsel of record.

s/ James C. Grant
Attorney for Michael Lacey and James Larkin

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Michael Lacey - 001

James Larkin - 002

Scott Spear - 004

John Brunst - 007,

Defendants.

No. CR-18-422-PHX-SMB

ORDER

Pending before the Court is Defendants' Amended Unopposed Motion to Extend Deadline for Reply on Motion to Dismiss Indictment (Doc. 571).

IT IS HEREBY ORDERED that the motion is **GRANTED**. The deadline for Defendants' reply on their Motion to Dismiss the Indictment (Doc. 561) will be July 19, 2019.

IT IS FURTHER ORDERED that Defendants' reply may include up to 25 pages.

Dated this ____ day of May, 2019.